

OA091 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA
v.

OSCAR MAJIA-SANTOS, a/k/a
OSCAR MEJIA

CRIMINAL COMPLAINT

Case Number: 08-MJ-124

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about January 15, 2008 in Allamakee County, in the Northern District of Iowa defendant(s) did,

(State Statutory Language of Offense)

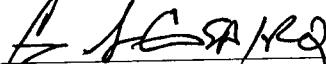
knowingly possessed or used a counterfeit identification document for as evidence of authorized employment; and knowingly engaged in aggravated identity theft

in violation of Title 18 United States Code, Section(s) 1546(a) and 1028A

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:
Official Title

See attached affidavit.

Continued on the attached sheet and made a part of this complaint:

Yes No

Signature of Complainant

CHRISTOPHER S. CANTRELL
Printed Name of Complainant

Sworn to before me and signed in my presence,

May 14, 2008
Date

Bruce A. 2008 US Magistrate Judge
Name of Judge Title of Judge

Waterloo, IA
City State

Signature of Judge

STATE OF IOWA]
] ss:
COUNTY OF Blackhawk]

AFFIDAVIT

Your Affiant, Chris Cantrell, being duly sworn, does depose and state:

1. I, Chris Cantrell, am a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement (hereinafter "ICE") (previously the Department of Justice, Immigration and Naturalization Service). I have been employed with this agency since 1994. ICE agents are authorized to investigate violations of the Immigration and Nationality Act (INA), as well as offenses found in Title 8, 18, 19 (Customs), and Title 42 of the United States Code.

2. I am aware of the information set forth below through personal investigation, as well as discussions with other Immigration and Customs Enforcement Investigators, Iowa Workforce Development, the Iowa Department of Transportation, and other law enforcement agencies.

3. On May 12, 2008, ICE Agents encountered Oscar Mejia-Santos at Agriprocessors, Incorporated while executing a federal search warrant at the company. Oscar Mejia-Santos was determined by ICE to be a current employee of Agriprocessors, Incorporated. ICE Agents also determined Oscar Mejia-Santos to be an undocumented alien from Guatemala. Oscar Mejia-Santos was administratively arrested by ICE Agents and transported to Waterloo, Iowa for processing. At the processing site in Waterloo, Iowa, Oscar Mejia-Santos was given his Miranda Rights in the Spanish language. Oscar Mejia-Santos stated

that he understood his rights and was willing to speak to ICE Agents without an attorney present. During the post Miranda interview, Oscar Mejia-Santos freely stated that he is a citizen of Guatemala who is present in the United States without authorization. Oscar Mejia-Santos stated that he entered the United States in November 2007 without being inspected or admitted by an Immigration Officer at a designated port of entry. Oscar Mejia-Santos also stated that he gained employment at Agriprocessors, Incorporated on January 16, 2008. Oscar Mejia-Santos stated that he completed Employment Eligibility Form I-9 at Agriprocessors, Incorporated and claimed to be a lawful permanent resident.

4. A review of the evidence seized from Agriprocessors, Incorporated by ICE Agents on May 12, 2008 revealed that Oscar Mejia-Santos completed a Form I-9 at Agriprocessors, Incorporated on January 15, 2008. The Form I-9 revealed Oscar Mejia-Santos stated that he claimed to be a lawful permanent resident and presented Resident Alien Card number AXXX XXX 275. The Form I-9 also revealed that Oscar Mejia-Santos presented social security number XXX-XX-X410 to gain employment at Agriprocessors, Incorporated. Oscar Mejia-Santos was presented with the Form I-9 seized by ICE Agents and admitted that he completed the form and presented fraudulent identification documents to gain employment at Agriprocessors, Incorporated.

5. Attached with the Form I-9, signed by Oscar Mejia-Santos and verified by Oscar Mejia-Santos, was a photocopy of the resident alien card used by Oscar Mejia-Santos to gain employment at Agriprocessors, Incorporated. A review of these documents showed that the alien number, AXXX XXX 275, was

the same as the number written on the Form I-9. Immigration record checks revealed that alien number AXXX XXX 275 is a valid alien registration number issued to another individual.

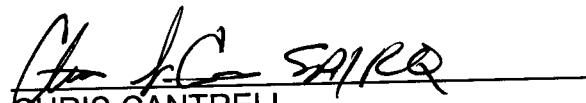
6. Accurint Law Enforcement record checks revealed that social security number XXX-XX-X410 relates to a real person who was born in 1918 and resides in Louisiana.

7. Accurint is a web-based application tool available to law enforcement personnel for the purpose of searching for identity information, address location, financial records, property information, business listings, employment records, phone information, and other identifying information. Accurint uses a proprietary data-linking technology to gather the search results via over 100,000 different public records and non-public information sources to aid in fraud detection and identity solutions. This includes such sources as Department of Motor Vehicles, County Assessors Office, and private credit reporting entities. For example if a social security number is placed in the appropriate block of the search information for a person, then a name, or a list of names, for the person or persons who have previously used that social security number, and their address and telephone number (if available), will be shown. If there is no name associated with that social security card, or if that person is known to be deceased then that will be reflected as well.

9. Based on these facts, your affiant has reason to believe the defendant has possessed and used fraudulent identification documents in violation of Title 18, United States Code, Section 1546(a) and knowingly

transferred, possessed, or used, without lawful authority, a means of identification of another person in relation to a felony offense in violation of Title 18, United States Code, Section 1028A.

I declare under the penalty of perjury that the foregoing facts and circumstances are true and correct to the best of my knowledge and belief.
Executed this 14 day of May, 2008.


CHRIS CANTRELL
Special Agent
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence this 14 day of May, 2008.



Magistrate Judge
United States District Court